IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NOS. 47 TO 52 OF 2003.

CRIMINAL REVISION APPLICATION NO. 47 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,
Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

CRIMINAL REVISION APPLICATION NO. 48 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,
Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

CRIMINAL REVISION APPLICATION NO. 49 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,
Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

CRIMINAL REVISION APPLICATION NO. 50 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,

Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

CRIMINAL REVISION APPLICATION NO. 51 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,
Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

CRIMINAL REVISION APPLICATION NO. 52 OF 2003.

Mr. Lyndon Socorro
Caridade Monteiro,
H. No. 71, Dignem,
Verna, Salcete, Goa. ... Applicant.

Versus

1. Mr. Eduradevan Ellath
   Kulima, Alto-Chicalim,
   Vasco-da-Gama, Goa.
2. State of Goa through
   the Public Prosecutor. ... Respondents.

Mr. Abhay Nachinolkar, Advocate for the Applicant in all matters.

Mr. G. Vijaychandran, Advocate for the Respondent No. 1 in all matters.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent No. 2/State in all matters.

Coram : P.V. HARDAS, J.

Date : 26th February 2004.

ORAL JUDGMENT.

All these Criminal Revision Applications arise against the Judgment of the learned trial Court convicting the applicant/accused for an offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to undergo imprisonment of 15 days, to pay compensation of Rs. 1 lakh and, in default, to undergo imprisonment for a period of 2 months in each case. By a common Judgment of the appellate Court, dated 10th June 2003, the learned appellate Court confirmed the common Judgment of the learned trial Court convicting and sentencing the accused as aforestated. Against the said Judgments, these Criminal Revision Applications came to be filed by the applicant. Since the parties are the same and the two Courts below have dealt with the case by common Judgments, all these revisions can be decided by this common Judgment.

2. During the pendency of these Criminal Revision Applications, the applicant/accused has tendered some amount to the complainant and time was sought for compounding the offence. Accordingly, today an application is presented in this Court signed by the learned counsel for the respective parties and by the applicant. The learned counsel appearing for the respondent no. 1 has stated that he has instructions from the respondent no. 1/complainant to accept the

compromise which is recorded in the application. The said application is taken on record and marked 'X' for the purpose of identification.

3. The applicant/accused and the respondent no. 1/complainant, by virtue of the said application, have agreed to settle their dispute by the respondent no. 1/complainant accepting an amount of Rs. 5 lakhs towards the various cheques, which form the subject matter of these Criminal Revision Applications. The respondent no. 1/complainant has admitted to have received Rs. 65,000/- and Rs. 85,000/- from out of Rs. 5 lakhs. The applicant/accused has tendered two post-dated cheques for Rs. 1.75 lakhs each bearing Nos. 208733 and 208734, dated 31st May 2004 and 31st August 2004 respectively. The respondent no. 1/complainant has accepted the post-dated cheques and has agreed to compound the offence and, accordingly, the application at 'X' is filed in this Court. By this application, the applicant has also given an undertaking to this Court that the two post-dated cheques issued to the respondent no. 1/complainant would be honoured. The said undertaking is accepted by the Court.

4. In view of compounding the offence in all the cases, Criminal Revision Application Nos. 47, 48, 49, 50, 51 and 52 of 2003 are allowed. The conviction and

sentence as passed by the two Courts below is quashed and set aside and the applicant/accused is acquitted.

(P.V. HARDAS)
JUDGE.

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